

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Row Vaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Case No. 2:23-CV-02224

Plaintiff,

vs.

**PLAINTIFF’S UNOPPOSED
MOTION FOR LEAVE TO FILE
AN OMNIBUS RESPONSE TO
PARAMEDIC DEFENDANTS’
MOTIONS TO DISMISS**

The City of Memphis, a municipality;
Chief Cerelyn Davis, in her official capacity;
Emmitt Martin III, in his individual capacity;
Demetrius Haley, in his individual capacity;
Justin Smith, in his individual capacity;
Desmond Mills, Jr., in his individual capacity;
Tadarrius Bean, in his individual capacity;
Preston Hemphill, in his individual capacity;
Robert Long, in his individual capacity;
JaMichael Sandridge, in his individual capacity;
Michelle Whitaker, in her individual capacity;
DeWayne Smith, in his individual capacity and
as an agent of the City of Memphis.

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE AN OMNIBUS
RESPONSE TO PARAMEDIC DEFENDANTS’ MOTIONS TO DISMISS**

Plaintiff, by and through her attorneys, hereby files this Unopposed Motion for Leave to File an Omnibus Response to Paramedic Defendants’ Motions to Dismiss Plaintiff’s Complaint [Long—ECF Dkt. 128; Whitaker—ECF Dkt. 132; Sandridge—ECF Dkt 133). In support thereof, Plaintiff states as follows:

1. Plaintiff’s Complaint against Defendant City of Memphis, Defendant Chief Cerelyn Davis, and other Defendants was filed on April 19, 2023. ECF Dkt. 1.

2. Defendant Long filed his Motion to Dismiss invoking Qualified Immunity on November 19, 2023. ECF Dkt. 128.

3. Defendant Whitaker filed her Motion to Dismiss invoking Qualified Immunity on December 8, 2023. ECF Dkt. 131-132.

4. Defendant Sandridge filed his Motion to Dismiss invoking Qualified Immunity on December 8, 2023. ECF Dkt. 133.

5. Pursuant to Western District of Tennessee Local Rules 7.2(e) and 12.1(b), all responses are permitted a maximum of 20-pages, individually.

6. In the interests of efficiency and judicial economy, Plaintiff proposes a single, omnibus Response brief with a maximum length of 40 pages to respond to the three Motions to Dismiss, rather than three 20-page Responses.

7. There is significant overlap in the supporting factual allegations and legal arguments between the three motions such that an omnibus response is appropriate:

- a. Each underlying Count is based on the same Constitutional provision: 14th Amendment Substantive Due Process.
- b. Each Motion is subject to the same standard: Federal Rule of Civil Procedure 12(b)(6).
- c. Each Motion seeks dismissal of the underlying Count pursuant to the same legal theory: Qualified Immunity.
- d. Each Motion is brought by a Defendant with the same occupation and therefore the substantive case law will be the same for each: Paramedics.
- e. Each Response has the same deadline: January 8, 2024.

8. Plaintiff's Counsel seeks leave to file a single, omnibus Response to the Paramedics Defendants' motions with a limit of 40 pages, which does not exceed the amount of pages the Motions would be afforded individually.

9. Plaintiff's Counsel met and conferred with Counsel for each of the Paramedic Defendants and there is no objection from any Defendant. *See* Certification of Consultation *infra*.

10. This Motion is made in good faith and in the interest of judicial efficiency.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Motion for Leave to File an Omnibus Response to Paramedic Defendants' Motions to Dismiss.

Dated: December 28, 2023

Respectfully Submitted,

/s/ Bryce T. Hensley

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CERTIFICATE OF CONSULTATION

I, Bryce T. Hensley, hereby certify that I contacted Counsel for Paramedic Defendants via email on December 10, 2023, regarding this Motion. On December 10, 2023, Counsel for Paramedic Defendants each responded individually that the Paramedic Defendants do not have any objection this Motion.

s/ Bryce T. Hensley
Bryce T. Hensley

CERTIFICATE OF SERVICE

I, Bryce Thomas Hensley, hereby certify that on December 28, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bryce T. Hensley
Bryce T. Hensley